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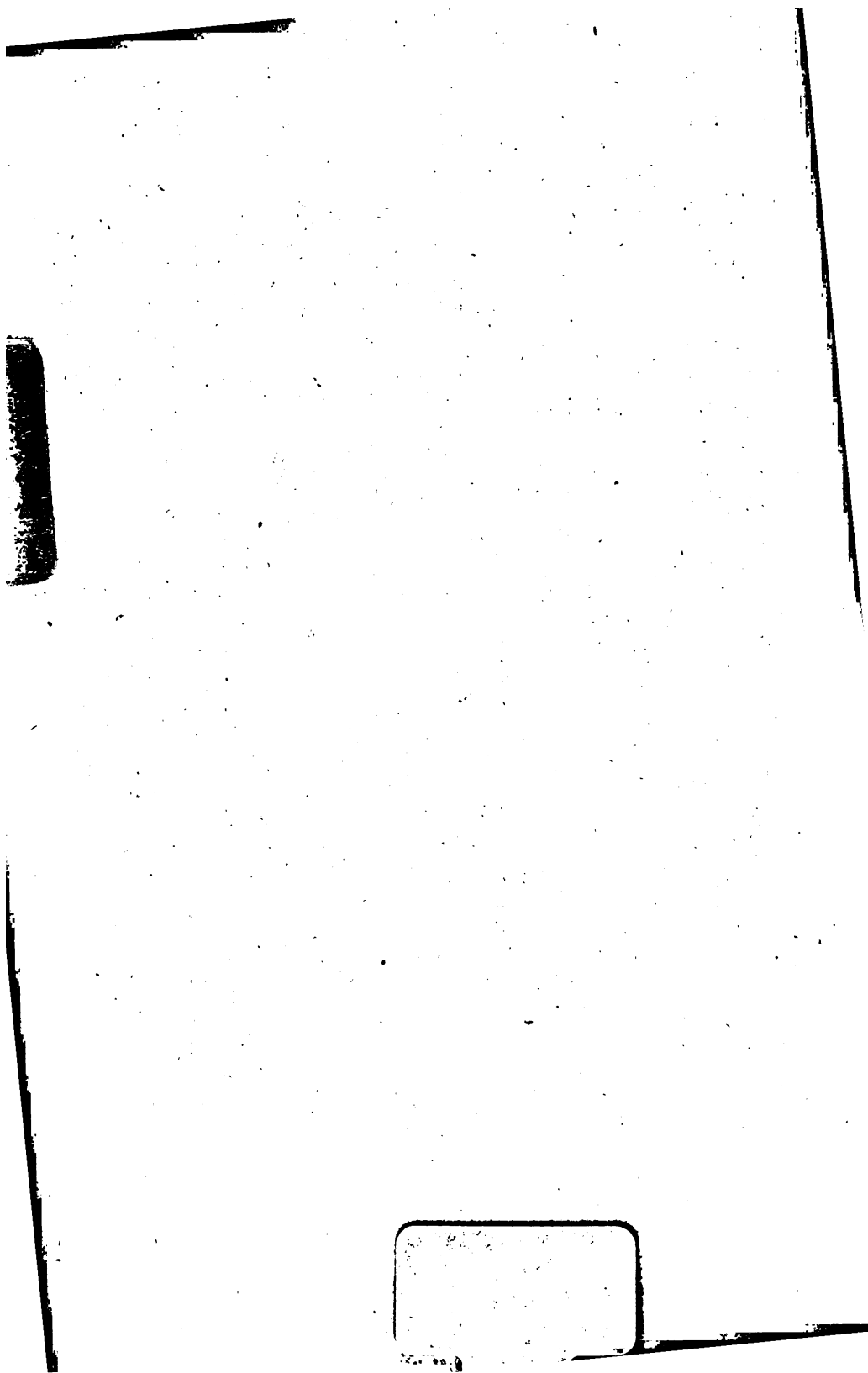
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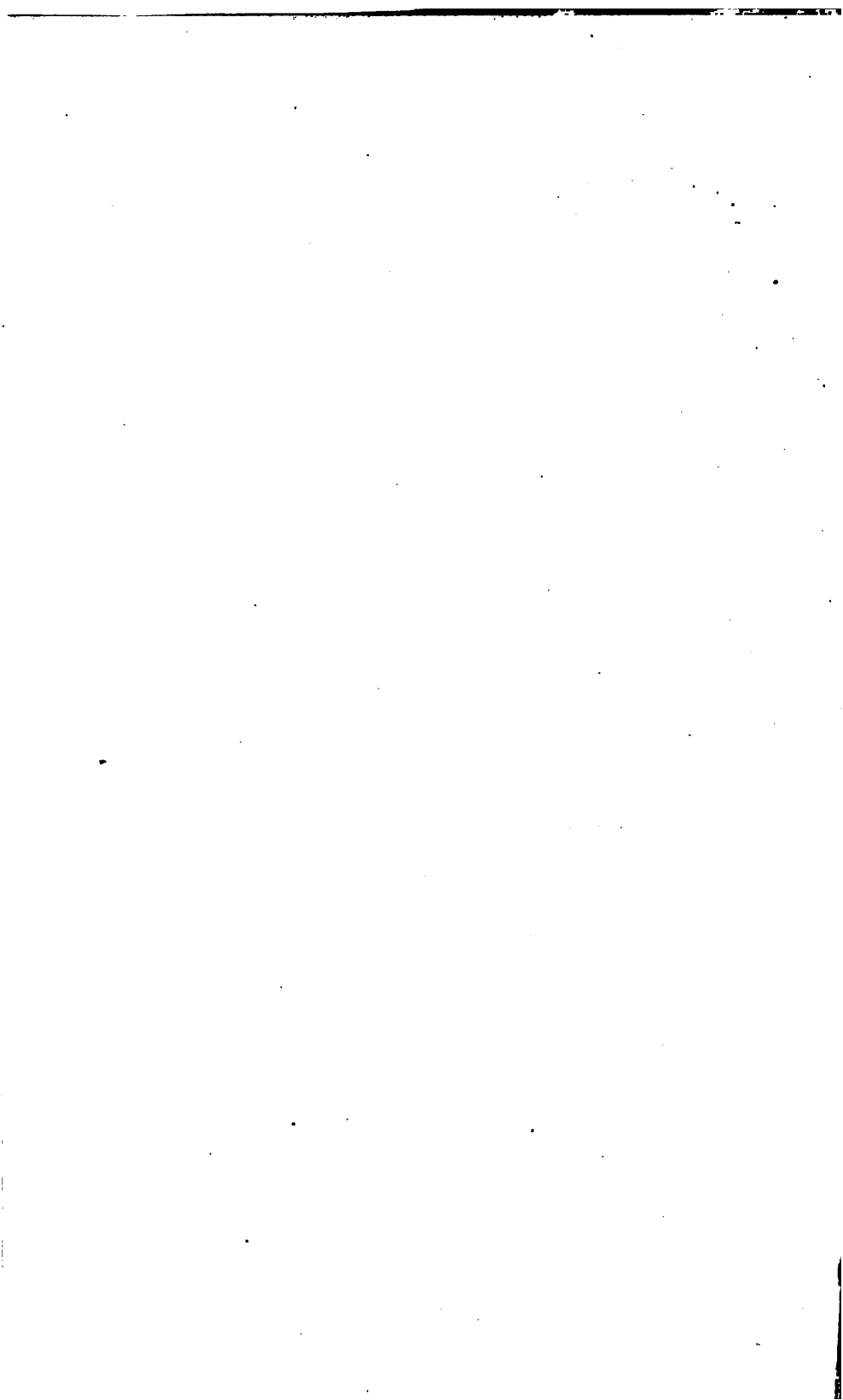


Moak

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STATUTES

RELATING TO THE

**Albany County Penitentiary,**

WITH

FORMS OF COMMITMENT, RECORD OF CONVICTION,  
CONTRACT WITH BOARDS OF SUPERVISORS,

ETC., ETC.

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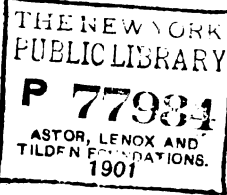
**NATHANIEL C. MOAK,**

DISTRICT ATTORNEY OF ALBANY COUNTY,

AT THE

REQUEST OF AMOS PILSBURY, SUPERINTENDENT.

ALBANY, N. Y.:  
J. MUNSELL, 82 STATE STREET.  
1872.



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# STATUTES

RELATING TO THE

## ALBANY COUNTY PENITENTIARY.

[LAWS 1844, p. 224.]

### \*Chap. 152.

*AN ACT for the construction of a Penitentiary, and in relation to the relief of the Poor in the county of Albany.*

Passed April 13, 1844.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The board of supervisors of the county of Albany shall cause to be erected, at such place within the limits of said county as shall be designated in the manner hereinafter directed, a suitable building or buildings for a penitentiary, for the safe keeping and employment of vagrants, disorderly persons, and all prisoners (except in cases of convictions for felony) who shall be sentenced to confinement at hard labor, or to solitary imprisonment, by any court held in said county or in the city of Albany. Penitentiary to be erected.

§ 2. Samuel Pruyn and Barent P. Staats, of the city of Albany, and Lewis M. Dayton, of Rensselaerville, in said county, are hereby appointed commissioners, Commissioners to locate site and report. whose duty, or that of a majority of whom, after taking the constitutional oath of office, it shall be, without unnecessary delay, to select a proper site for the loca-

tion of the said penitentiary, with proper grounds to be attached thereto; and within six months from the passage of this law to report such location, together with a detailed plan for the construction, management and discipline of the said penitentiary, and an estimate of the expense of the land for the site and of the construction thereof, to the said board of supervisors. In case of a vacancy by death, resignation, removal from said county, refusal or neglect to serve, or otherwise, in the said board of commissioners, such vacancy shall be filled by the person administering the government of this state. The said commissioners shall each receive, for their services, three dollars for each day while actually employed in the discharge of their duties, and such sum as shall be actually incurred by them in obtaining the necessary plans, estimates and information preparatory to the report to be made by them as aforesaid; such several sums to be paid by the said board, and the amount thereof added to the sum to be raised by tax as hereinafter mentioned.

Duty of supervisors and mayor and recorder.

§ 3. Upon such report being made, the said board of supervisors, together with the mayor and recorder of the city of Albany, who shall be associated with the said board for that purpose, or a majority of them, shall examine the same and determine thereupon; and the said board and mayor and recorder may alter, modify, reduce or increase the site, plan \*or expense of [225 construction of said penitentiary, as specified in the said report, in any manner as to them shall seem fit, expedient or necessary. The said commissioners, hereinbefore named, (at the expiration of ninety days after the report shall have been made to the said board of supervisors, and delivered to the chairman or clerk of said board,) shall procure the lands necessary for the site of the said penitentiary, and proceed to construct the same, at such place and on such plan, in all respects, as the said board of supervisors, with the

mayor and recorder, shall, in manner aforesaid, have approved and directed. But if the report of the said commissioners shall not have been approved by the said board, with the mayor and recorder, and no site for the said building or plan for the erection thereof, shall have been agreed on by the said board, with the mayor and recorder as aforesaid, then it shall and may be lawful for the said commissioners to select such site for the said building and the grounds to be connected therewith, and to proceed in the construction of the same on such plan as they, or a majority of them, shall deem best.

§ 4. The management and direction of the said penitentiary, when completed, shall be under the control and authority of the said board of supervisors and the said mayor and recorder of the city of Albany, who are hereby authorized and empowered, by their votes in joint meeting, to establish and adopt rules for the regulation and discipline of said penitentiary, to appoint officers to take charge thereof, to fix their compensation and prescribe their duties, and generally to make all such by-laws and ordinances, in relation to the management and government thereof, as they shall deem expedient. But the person who shall be appointed principal keeper of the said penitentiary, shall hold his office for the term of three years, unless sooner removed for incompetency, improper conduct, or other cause, to be particularly assigned.

§ 5. The said board of supervisors are authorized to borrow, on the credit of the said county, such sum or sums of money as shall be necessary to defray all the expenses of procuring the site and completing the erection of the said penitentiary; and they are hereby also authorized and required to raise, levy and collect a sum sufficient to repay the same with the interest becoming due thereon, in not less than four nor more than eight equal annual instalments, on and from the taxable pro-

Peniten-  
tiary how  
managed.

Supervi-  
sors may  
borrow  
money.

perty in the city and county of Albany, in the same manner as other county charges are levied and collected; and the said board of supervisors shall, from time to time, pay such drafts as may be drawn on them by the said commissioners, or a majority of them, for 226] the cost of \*the site and erection of the said building, not exceeding the amount at which such cost may have been fixed and determined by said board and the said mayor and recorder as aforesaid, in case the same shall have been so fixed and determined by them.

Duty of  
the sheriff.

§ 6. The sheriff of the county of Albany is authorized and required, at the request and under the direction of said board of supervisors, with the mayor and recorder, to order and compel all persons, who shall be sentenced to imprisonment in the county jail at hard labor at any time during the erection of said penitentiary, to work and labor in and upon the building and construction of the same.<sup>1</sup>

Persons to  
be con-  
fined in  
the peni-  
tentiary.

§ 12. After the said penitentiary shall have been completed, or so far completed as to allow the confinement of prisoners therein, and a certificate thereof shall have been filed in the office of the clerk of the county of Albany by the said commissioners, or a majority of them, it shall be the duty of the sheriff of the city and county of Albany, to confine all persons sentenced to confinement in the jail of said county, as mentioned in the first section of this act, by any court held in the said city or county, in the said penitentiary; and the keeper thereof shall receive such persons and safely keep them for the term for which they were sentenced, and employ them according to the discipline and rules established for the government of said penitentiary.

<sup>1</sup> Sections 8, 9, 10, and 11 relate to the Alms House and are omitted.

[LAWS 1847, Vol. 1, p. 170.]

## Chap. 183.

AN ACT to amend "*An act for the construction of a Penitentiary, in the county of Albany,*" passed April 13, 1844.

Passed May 8, 1847.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

§ 1. All persons who shall be sentenced to confinement at hard labor, or to solitary imprisonment (except in cases of convictions for felony,) by any court held in the city or county of Albany, or by any justice of the peace, police justice, or other magistrate in said city or county of Albany, shall be sentenced to such confinement or imprisonment in the penitentiary of said county, there to be received, kept and employed in the manner now prescribed by law. And it shall be the duty of such court, justice or magistrate, to cause all persons so sentenced, to be conveyed forthwith, by some proper officer or officers to said penitentiary; \*and one- [171] half the fees now allowed by law, for conveying convicts to state prisons, shall be allowed and paid therefor, by the board of supervisors of said county, except when such service is rendered by any constable or officer in attendance upon any court of oyer and terminer, or general sessions for the city or for the county of Albany, who is paid by the day for such attendance, or by any police constable of the city of Albany, in which case only the actual expenses necessarily incurred by such officer in such service shall be paid him by the super-

Persons to  
be imprisoned in  
the penitentiary.



intendent of said penitentiary, and by him charged among the expenditures thereof.

Justices  
may sen-  
tence con-  
victs to  
peniten-  
tiary.

§ 2. It shall be lawful for any justice of the peace in the county of Albany, to commit any person who shall be convicted, before such justice, as a disorderly person, to the penitentiary instead of the jail of the county of Albany; there to remain, subject to the rules, regulations and discipline of said penitentiary, until discharged as provided by law.

Vagrants.

§ 3. It shall be lawful for any justice of the peace, or other magistrate having jurisdiction thereof, in the city or county of Albany, in all cases of complaints for vagrancy, to commit any person convicted upon such complaint, before said justice or magistrate, to said penitentiary, for a term not exceeding six months. (Amended 1859 page 1093, post).

Under the  
age of 16  
years.

§ 4. Whenever any person under the age of sixteen years, shall be convicted of any felony, in any court held in and for said city or county of Albany, such court may, in its discretion, sentence the person so convicted, to confinement in said penitentiary, subject to its rules and discipline, for such term as said court would be authorized by law, to sentence a person convicted of a like offence, to imprisonment in a state prison.

Penalty  
for escap-  
ing or  
breaking  
out.

§ 5. Every person lawfully imprisoned in said penitentiary, who shall escape from thence, or who shall break said penitentiary, with intent to escape therefrom, or who shall attempt by any force or violence, or in any other manner, to escape from such penitentiary although no escape shall be effected, shall, upon conviction thereof be punished by imprisonment in said penitentiary for a term not exceeding double the time for which he was so imprisoned, to commence from and after the expiration of his or her former sentence.

Second  
convic-  
tions.

§ 6. Any person convicted and sentenced to said penitentiary, by any court or magistrate in the city or

county of Albany, upon a second conviction for the same offence in said city or county shall be liable to imprisonment in said penitentiary for double the term of the former sentence of such person.

172 \*§ 7. It shall be lawful for the board of supervisors in either of the counties of Rensselaer, Saratoga, Schenectady, Schoharie, Greene and Columbia, to enter into an agreement with the board of supervisors of the county of Albany (or with any person in their behalf, by them appointed,) to receive and keep in said penitentiary, any person or persons who may be sentenced in either of said counties, to confinement at hard labor in the jail of such county, for any time not less than three months. And it shall be the duty of the sheriff of any of said counties for which such agreement may be made as foresaid, upon receiving notice thereof in writing from the board of supervisors of such county, to convey all persons sentenced to confinement at hard labor in the jail of said county, for a term not less than three months, to the said penitentiary; and the keeper of said penitentiary shall receive such persons and safely keep them for the term for which they may be respectively sentenced, and employ them according to the discipline and rules of said penitentiary. And the officer conveying such convicts to said penitentiary, shall be paid by the county from which they are sent, such fees for said conveyance, as the board of supervisors of said county shall direct.

Agreement may be made with other counties to imprison convicts.

§ 8. This act shall take effect immediately.

[LAWS 1854, p. 576.]

## Chap. 261.

*AN ACT to authorize the confinement of persons, convicted of certain offences in the county of Dutchess, in the Penitentiary of the county of Albany, and to prescribe the punishment of certain offences.*

Passed April 15, 1854, three-fifths being present.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

May contract with supervisors of Albany.

§ 1. It shall be lawful for the board of supervisors of the county of Dutchess to make and enter into an agreement with the board of supervisors of the county of Albany, or for any persons on behalf of either board, and by said board appointed to contract for the reception, custody and employment at hard labor in the penitentiary of said county of Albany, of any person or persons who may be convicted \*of criminal offences [577 in said county of Dutchess, and sentenced to imprisonment in the said jail thereof for any term not less than two months.

And it shall be the duty of the sheriff of the county, upon receiving notice in writing from the board of supervisors of the execution of such contract, to convey all persons sentenced to imprisonment, and then in the jail of said county for a term not less than two months, to the said penitentiary of the county of Albany, and the keeper of said penitentiary shall receive such persons and safely keep them for the term of sentence, and employ them according to the discipline and rules.

of such penitentiary. The sheriff conveying such convicts shall be paid by the county of Dutchess such fees and expenses therefor as the board of supervisors of said county shall direct and allow.

§ 2. It shall be the duty of the court which may <sup>Sentence of prison-</sup> hereafter sentence any person to cause such person to be conveyed forthwith, by the officer in whose charge the prisoner shall be, to the said penitentiary; and one-half the fees now allowed by law for carrying convicts to state prisons shall be allowed and paid therefor by the board of supervisors of said county of Dutchess. (Amended laws 1872, vol. 2, p. 1792, post).

§ 3. All persons convicted as vagrants in said county <sup>Vagrants.</sup> of Dutchess may be sentenced by the convicting magistrate to imprisonment at hard labor in said penitentiary for any term not exceeding six months. (Amended 1872, vol. 2, p. 1792, post.)

§ 4. Whenever any person shall be convicted, be- <sup>Disorderly persons.</sup> fore any lawful magistrate or court in said county of Dutchess, of being a disorderly person, under and by virtue of part first, chapter twenty, title five of the Revised Statutes, such magistrate may require and accept bail for the good behavior of such person, as provided by said title, or may at discretion commit the person so convicted to imprisonment at hard labor for any term not exceeding six months.

§ 5. This act shall take effect immediately.

[LAWS 1856, p. 251.]

## Chap. 158.

### AN ACT *in relation to the punishment of crimes in certain cases.*

Passed April 11, 1856, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Place of  
confinement  
designated.

§ 1. Whenever any person under the age of twenty-one and above the age of sixteen years, shall be convicted of an offence punishable with imprisonment in the state prison, in either of the judicial districts of the state, having a penitentiary within said judicial district, the court before which such conviction shall be had, may, in its discretion, sentence the person so convicted to imprisonment in the penitentiary situated in that judicial district. Every person so sentenced shall be received into the said penitentiary and shall be kept and employed in the manner prescribed by law, and shall be subject to the rules and discipline of said penitentiary.

Duty of  
sheriff.

§ 2. It shall be the duty of the sheriff of any county within the said judicial district in which any person shall be convicted and sentenced, as in the first section is provided, to convey such person to the penitentiary situated in such judicial district; and deliver him to the superintendent thereof, for which such sheriff shall be paid by the state treasurer such fees as are allowed by law for conveying convicts to the state prison.

§ 3. This act shall take effect immediately.

*please print*

[LAWS 1858, p. 256.]

## Chap. 139.

*AN ACT authorizing the imprisonment of persons convicted of certain crimes, in the counties of Montgomery and Oneida, in the Albany County Penitentiary.*

Passed April 12th, 1858, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. It shall be lawful for the several boards of supervisors of the counties of Montgomery and Oneida, to enter into an agreement with the board of supervisors of the county of Albany, or with any person in their behalf by them appointed, to receive and keep in the Albany county penitentiary, any person or persons who may be sentenced to confinement at hard labor, by any court or magistrate in said counties of Montgomery and Oneida, for any term not less than sixty days. Whenever such agreement shall have been made, it shall be the duty of the several boards of supervisors of the counties of Montgomery and Oneida to give public notice thereof, specifying in such [257] notice the period of the continuance of such agreement, which said notice shall be published in such newspapers printed in said counties, not less than two, and for such period of time, not less than four weeks, as the several boards of supervisors of said counties of Montgomery and Oneida shall direct.

Boards of supervisors to make agreement, &c.

§ 2. It shall be the duty of every court, police justice, justice of the peace, or other magistrate, by whom any

Duties of courts.

~~\*Amended Laws, 1859, p. 652, post page 16.~~

person may be sentenced, in the counties of Montgomery and Oneida, for any term not less than sixty days, for any crime or misdemeanor not punishable by imprisonment in the state prison, during the continuance of the agreement mentioned in the first section of this act, to *sentence* such person to *imprisonment in the Albany county penitentiary*, there to be received, kept and employed in the manner prescribed by law and the rules and discipline of said penitentiary; and it shall be the duty of such court, justice or magistrate, by a warrant duly signed by the presiding judge or justice of such court, or by such justice or other magistrate so giving such sentence, to cause such person so sentenced, to be forthwith conveyed by some proper officer to said penitentiary.

Sheriffs  
and con-  
stables.

§ 3. It shall be the duty of the sheriff and constables in and for the counties of Montgomery and Oneida, to whom any warrant of commitment for that purpose may be directed, by any court or magistrate in this act mentioned, to convey such person so sentenced to the Albany county penitentiary, and there deliver such person to the keeper of said penitentiary, whose duty it shall be to receive such persons so sentenced during the continuance of said agreement, authorized by the first section of this act to be there safely kept and employed, according to the rules and discipline of said penitentiary; and the officers thus conveying such convicts so sentenced, shall be paid such fees and expenses therefor, as the several boards of supervisors of the counties of Montgomery and Oneida shall prescribe and allow.

§ 4. This act shall take effect immediately.

[LAWS 1859, p. 54.]

## Chap. 29.

AN ACT *authorizing persons convicted before magistrates or courts of special sessions of the peace, in the town of Waterford, in the county of Saratoga, and sentenced to imprisonment in the county jail, at hard labor, to be transported directly to the Albany penitentiary.*

Passed March 5, 1859; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All persons hereafter convicted by or before any magistrate or court of special sessions of the peace, in the town of Waterford, in the county of Saratoga, of any offense or crime, and sentenced to imprisonment in the county jail, at hard labor, may be taken by any constable of said town of Waterford, directly to the \*Albany penitentiary, by the most usual and [55 direct route, and the keeper of said penitentiary is required to receive and detain such persons, the same as if the warrants of commitment had been placed in the hands of the sheriff of the said county of Saratoga.

§ 2. This act shall take effect immediately.



[LAWS 1859, p. 652.]

## Chap. 289.

*AN ACT to extend the provisions of "An act authorizing the imprisonment of persons convicted of certain crimes, in the counties of Montgomery and Oneida, in the Albany county penitentiary," passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this state.*

Passed April 13, 1859; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Convicts  
may be  
imprisoned in  
adjoining  
counties-

SECTION 1. Chapter one hundred and thirty-nine of the laws of eighteen hundred and fifty-eight, is hereby amended so as to allow the supervisors of any county in this state to contract with the supervisors of any county having a penitentiary therein, in the same manner and *with like effect* as is permitted by the provisions of this chapter (~~ante, pages 13, 14~~).

[LAWS 1859, p. 1093.]

## Chap. 477.

AN ACT to amend an act entitled "*An act to amend an act for the construction of a penitentiary in the county of Albany,*" passed May third, eighteen hundred and forty-seven.

Passed April 18, 1859 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The third section of the act entitled "*An* <sup>Act amended.</sup> act to amend an act for the construction of a penitentiary in the county of Albany," passed May third, eighteen hundred and forty-seven, is hereby amended so that said section shall read as follows, to wit :

§ 3. In all cases arising in the county of Albany, <sup>Sentence of persons convicted of public intoxication.</sup> where any person shall be convicted before any court or magistrate of said county, or of the city of Albany, of the offense of public intoxication, or where any person shall be convicted upon complaint for vagrancy, such person may be committed or sentenced by such court or magistrate, to confinement in said penitentiary, subject to its rules and discipline, for such term, not exceeding six months, as such court or magistrate may deem proper.

§ 2. This act shall take effect immediately.

[LAWS 1865, p. 414.]

## Chap. 253.

AN ACT *authorizing the Board of Supervisors of the county of Warren to contract with the Board of Supervisors of the county of Albany, for the keeping in the Albany Penitentiary, of persons convicted of crime in the county of Warren.*

Passed March 31, 1865 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. It shall be lawful for the board of supervisors of the county of Warren to make and enter into an agreement with the board of supervisors of the county of Albany, or for any person on behalf of either board and by said board appointed, to contract for the reception, custody and employment at hard labor, in the penitentiary of said county of Albany, of any person or persons who may be convicted of criminal offences in said county of Warren, and sentenced to imprisonment in the said jail thereof for any term not less than two months. And it shall be the duty of the sheriff of the county upon receiving notice in writing from the board of supervisors of the execution of such contract, to convey all persons sentenced to imprisonment and<sup>1</sup> in the jail of said county, for a term not less than two months, to the said penitentiary of the county of Albany, and \*the keeper of said penitentiary [415 shall receive such persons, and safely keep them for the term of sentence, and employ them according to the

<sup>1</sup> So in the original.

discipline and rules of said penitentiary. The sheriff conveying such convict shall be paid by the county of Warren such fees and expenses therefor as the board of supervisors of said county shall direct and allow.

§ 2. It shall be the duty of the court which may hereafter sentence any person, to cause such person to be conveyed forthwith by the officer in whose charge the prisoner shall be, to the said penitentiary, and the compensation of each officer shall be such sum as the board of supervisors of said county shall deem proper and just.

§ 3. This act shall take effect immediately.

[LAWS 1869, p. 911.]

## Chap. 399.

*AN ACT authorizing the Board of Supervisors of the county of Broome to contract with the Board of Supervisors of the county of Albany for the keeping in the Albany Penitentiary of persons convicted of crime in the county of Broome, and to contract with the Board of Supervisors of the county of Onondaga for the keeping in the Onondaga county Penitentiary, at Syracuse, of persons convicted of crime in the county of Broome.*

Passed April 28, 1869; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Supervis-  
ors of  
Broome  
county to  
contract  
with Alba-  
ny peni-  
tentiary

SECTION 1. It shall be lawful for the board of supervisors of the county of Broome, and the board of supervisors of the county of Albany, by or through any person, on behalf of either board, and by such board appointed to make and enter into an agreement with each other, for the reception, custody and employment, at hard labor, in the penitentiary of said county of Albany, of any person or persons who may be convicted of a criminal offense or criminal offenses in said county of Broome and sentenced to imprisonment in the county jail in said county of Broome for any time not less than two months, at hard labor, of any vagrant or vagrants, disorderly person or persons committed to said jail, and of any person or persons committed to said jail on default of payment of fine in criminal proceedings.

§ 2. It shall be lawful for the board of supervisors of the county of Broome, and the board of supervisors of the county of Onondaga, by or through any person, on behalf of either board, and by such board appointed to make and enter into an agreement with each other for the reception, custody and employment, at hard labor, in the penitentiary of said county of Onondaga, at Syracuse, of any person or persons who may be convicted of a criminal offense or criminal offenses in said county of Broome, and sentenced to imprisonment in 912] the common \*jail of said county of Broome for any time not less than two months, of any vagrant or vagrants, disorderly person or disorderly persons committed to said jail, and of any person or persons committed to said jail on default of payment of fine in criminal proceedings.

May make like contract with Onondaga county penitentiary.

§ 3. The present clerk and the present chairman of the board of supervisors of the county of Broome, and the clerk and chairman of the board of supervisors of either of the other counties mentioned in this act, are authorized and empowered to enter into contracts of like nature, purport and effect, and in the same cases as specified in sections one and two of this act, except that no such contract shall be made to extend beyond the first day of December, eighteen hundred and sixty-nine.

Chairmen and clerk of boards of supervisors may enter into contracts.

Contract, how long to continue.

§ 4. Upon the making of any contract by this act authorized, it shall be the duty of the clerk of the board of supervisors of the county of Broome, to forthwith deliver to the sheriff of said county a copy of such contract, and the said sheriff shall from time to time, during the existence of the same, convey to such of the aforesaid penitentiaries as the said contract shall relate to, so many of those confined in said jail as shall be embraced within the terms of such contract.

Sheriff of Broome county, to be furnished with contract.

Expenses  
of trans-  
portation  
to be a  
county  
charge.

§ 5. The expense and compensation to the sheriff for thus conveying such persons to either or each of said penitentiaries shall be such as the board of supervisors shall deem just.

Proviso as  
to labor in  
Bingham-  
ton.

§ 6. Nothing in this act contained shall affect or impair the force of any act of the legislature relating to labor that may be done in the city of Binghamton by persons imprisoned in the common jail of the county of Broome.

Duties of  
officers of  
peniten-  
tiaries.

§ 7. It shall be the duty of the keepers of said penitentiaries, and each of them, to receive such persons as shall be sent to them in pursuance of any contract made as aforesaid, and safely keep them according to the discipline and rules of said penitentiary for the term of sentence, or until they shall be discharged by law.

§ 8. This act shall take effect immediately.

[LAWS 1869, Vol. 2, p. 1383.]

## Chap. 574.

*AN ACT to authorize the imprisonment of convicts in the Penitentiaries of Syracuse and Albany.*

Passed May 4, 1869; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All females hereafter convicted in the fifth and sixth judicial districts of this state, of crimes punishable by imprisonment in the state prison, shall be sent to the penitentiary at Syracuse. Sentence of female convicts, to Syracuse penitentiary

§ 2. The superintendent or inspectors of the penitentiary at Syracuse are hereby required to receive and keep the female convicts from the fifth and sixth judicial districts, mentioned in this act, until they shall be discharged according to law; and the said superintendent and inspectors shall be allowed to charge for the maintenance of such female convicts as may hereafter be sentenced to imprisonment in said penitentiary under or by virtue of this act, or of any act, authorizing or directing the sentence of females under conviction of felony to said penitentiary, a sum not exceeding one dollar and fifty cents per week each, to be a charge against the state. Duty of superintendent of penitentiary. Charge per week, for maintenance.

§ 3. Whenever any person shall be convicted of any offense punishable with imprisonment in the state prison for a term of five years or less, in any county of the state having a contract for the board, care and discipline of prisoners with the Albany county peni- Sentence of certain convicts, to Albany penitentiary.



tentiary, or in any county situated in the third and fourth judicial districts of this state, the court before which such conviction shall be had may, in its discretion, sentence the person so convicted to imprisonment in said penitentiary; \*but no charge whatever for [1384 the board or maintenance of any person so sentenced shall be made against the county in which such person shall be so sentenced, or against the state of New York.

No charge to be made for maintenance.

State to furnish clothing, &c., to convicts on discharge.

§ 4. The provisions of the statutes now regulating<sup>1</sup> amount of money and clothing to be given to convicts upon their discharge from state prison, shall apply to such convicts as may hereafter be sentenced to said Syracuse and Albany penitentiaries under the provisions of this act. The expenses thereof shall be a charge against the state.

Annual return to Comptroller.

What to set forth.

§ 5. The superintendent or inspectors of the penitentiaries named in this act, shall make a return under oath on the thirtieth day of September of each year to the comptroller, in which they shall fully set forth the name of each convict committed to said penitentiaries under or by virtue of this act, in what court convicted and before what presiding justice, with the offense for which convicted, and also the date of conviction, length of sentence and the amount due from the state for the maintenance of such female convicts, as may hereafter be sentenced to the penitentiary at Syracuse, under the provisions of this act, and for allowance made to discharged convicts under this act.

Comptroller to audit return.

How payable.

Upon auditing such return, the comptroller shall draw his warrant on the treasurer in favor of said superintendent or inspectors for said amount, which sum or sums shall be paid from any money in the treasury not otherwise appropriated.

Allowance for good conduct.

§ 6. The provisions of chapter three hundred and twenty-one of the laws of eighteen hundred and sixty-four, together with the provisions of the acts to which

<sup>1</sup> So in original.

said chapter are amendatory, are hereby made applicable to convicts hereafter to be sentenced for felonies or misdemeanors to the penitentiaries at Syracuse and Albany, to the end that the same commutation, allowance for good conduct shall be made to said convicts as are granted under said acts to convicts now confined in state prisons.

§ 7. It shall be the duty of the sheriff of any county in which any person shall be convicted and sentenced as in the first and third sections is provided, to convey such person to the penitentiary, for which such sheriff shall \*be paid by the state treasurer such [1385 fees as are allowed by law for conveying convicts to state prisons. Sheriff's fees, for conveying convicts to penitentiary.

§ 8. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

§ 9. This act shall take effect immediately.

[LAWS 1869, Vol. 2, p. 2035.]

## Chap. 841.

*AN ACT authorizing and requiring the removal of certain prisoners confined in the State Prison at Sing Sing to the Penitentiary of the county of Albany.*

Passed May 11, 1869; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Agent at  
Sing Sing  
Prison,  
when  
State Pri-  
son In-  
spectors  
so direct,  
to remove  
convicts  
to Albany  
peniten-  
tiary.

SECTION 1. The agent and warden of the state prison at Sing Sing is hereby authorized and required, if the inspectors of state prisons shall so direct, within twenty **2036]** \*days after the passage of this act, to select at least one hundred and not to exceed one hundred and fifty male convicts, who may be confined in the state prison at Sing Sing at the time of making such selection, and cause them forthwith to be removed to the penitentiary at Albany.

Expenses  
of remo-  
val, how  
certified  
and paid.

§ 2. All necessary expenses of such removal of convicts, including the expense of sustaining them while traveling, shall be deemed a part of the incidental expenses of the prison at Sing Sing; and if there be not funds belonging to said prison sufficient to pay such expenses, and also meet the current demand for its support, the agent thereof shall so certify, when such expenses shall be audited by the comptroller and paid from the treasury upon his warrant.

§ 3. The selection of convicts for removal shall be made from among those who have last arrived at such prison, and who shall have at least one year of their time of imprisonment yet to serve, at the time when such selection is made.

Selection of convicts for removal, how made.

§ 4. The agent and warden of the said prison at Sing Sing shall cause the convicts so to be removed to be sufficiently chained in pairs and transported to the said penitentiary at Albany, and shall deliver such convicts, with the certified copies of their sentences, to the superintendent of such penitentiary, and such superintendent is hereby authorized to receive such convicts and keep them according to their respective sentences, as if they had been originally committed to such penitentiary.

Convicts to be chained, while being transported. Delivery with copies of their sentences, to superintendent of penitentiary.

§ 5. The state shall in no case be liable for the board clothing or any other expense of keeping such convicts in said penitentiary, and the whole of such expenses shall be borne by the authorities of said penitentiary, and shall in no event be paid or borne by the state.

Expenses of board and clothing, how borne

§ 6. Such convicts may be employed by the authorities of said penitentiary upon any work or labor therein conducted, in the same manner as convicts originally sentenced there; and all moneys arising or in any way growing out of such employment of such convicts shall be treated and considered as if such moneys arose from the labor and employment of convicts originally sentenced to be imprisoned in such penitentiary.

Convicts how to be employed at penitentiary.

§ 7. \*The clothes and money that are usually [2037] furnished by the state to a convict upon his discharge from a state prison shall be furnished each convict removed under the provisions of this act, upon his discharge from imprisonment in said penitentiary, in the same manner as if he were discharged from a state prison. The clothes and money above referred to shall be furnished by the superintendent of the peni-

Clothes and money, to be furnished to such state convicts, upon discharge.

How furnished and paid.

tentiary, and the amount thus expended and paid shall be audited by the comptroller and paid to such superintendent from the state treasury upon the warrant of the comptroller.

Agent at Sing Sing and prison inspectors, may demand redelivery of convicts after one year.

§ 8. After the expiration of one year from the time of the delivery of said convicts to the superintendent of the penitentiary at Albany, under the provisions of this act, said superintendent shall, on the demand of the agent and warden of the state prison at Sing Sing, if the inspectors of state prisons shall direct such demand to be made, redeliver to said agent and warden all said convicts as shall then be remaining in said penitentiary, with the certified copies of their sentences, and said agent and warden shall cause such convicts to be sufficiently chained in pairs and retransferred to said prison at Sing Sing, where they shall remain till the expiration of their respective terms of imprisonment, with the same force and effect as if they had never been removed therefrom. The necessary expenses of such retransportation and maintenance of convicts during transit shall be paid in the manner provided in the second section of this act. Nothing in this act contained shall be held to work a release of any of the pains and penalties of the original sentence of any of said convicts.

Expense thereof, how paid.

Penalties of original sentences not to be affected

§ 9. This act shall take effect immediately.

[LAWS 1872, Vol. 2, p. 1792.]

## Chap. 745.

AN ACT to amend “ *An act authorizing the confinement of convicts from Dutchess county in the Albany penitentiary,*” *et cetera*, passed April fifteenth, one thousand eight hundred and fifty-four.

Passed May 16, 1872; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The second section of the act entitled “ *An act to authorize the confinement of persons convicted of certain offenses in the county of Dutchess, in the penitentiary of the county of Albany, and to prescribe the punishment of certain offenses,*” passed April fifteenth, one thousand eight hundred and fifty-four, is hereby amended so as to read as follows :

§ 2. It shall be the duty of every court, police justice, justice of the peace, or other magistrate, by whom any person may be sentenced in the county of Dutchess for any crime or misdemeanor punishable in the county jail, to cause such person or persons to be conveyed forthwith by the officer in whose charge the prisoner shall be, to the county jail of Dutchess county, and the sheriff of said county shall thereupon forthwith convey all such persons as shall be received by him under sentence of not less than two months, to the said penitentiary, under the provisions of the first section of this act.

In what cases persons convicted of crimes, etc., punishable with imprisonment in county or jail, to be conveyed to Albany county penitentiary.

§ 2. The third section of said act is hereby amended so as to read as follows :

§ 3. All persons convicted as vagrants in said county of Dutchess maybe sentenced by the convicting magistrate to imprisonment in the county jail of said county for any term not exceeding six months, and all such \*persons sentenced for a period not less than [1793 two months shall be forthwith conveyed by the sheriff of said county to the penitentiary, under the provisions of the first section of this act. And it shall be the duty of the sheriff of said county to report to the board of supervisors of said county, in each year, at their annual meeting, the name, age, offense of which convicted, terms of sentence, date of receipt by such sheriff, and date of the delivery of every such person at the penitentiary.

Sentence  
in cases of  
vagrancy.

Sheriff to  
report to  
board of  
super-  
visors.

§ 3. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 4. This act shall take effect immediately.

[LAWS 1847, Vol. 2, Chap. 470, p. 596, § 16; 2  
Edm., STAT. AT LARGE, 781.]

### Chap. 3.

§ 16. It shall be the duty of the keeper of each *county* Keeper to receive persons committed by U. S. courts. *prison* to receive into the prison every person duly committed thereto, for any offence against the United States by any court or officer of the United States and 782] to confine such person \*in the prison until he shall be duly discharged; the United States supporting such person during his confinement. The provisions of this article relative to the mode of confining prisoners and convicts shall apply to all persons so committed by any court or officer of the United States.

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[LAWS 1847, Chap. 460, p. 626, § 145; 2 Edm.,  
STAT. AT LARGE, 819.]

§ 145. It shall be the duty of the respective keepers Criminals convicted of crimes against the U. S. to be imprisoned. of each of the *county* and state prisons, to receive into the said prisons and safely to keep therein subject to the discipline of such prison, any criminal convicted of any offence against the United States, sentenced to imprisonment therein, by any court of the United States, sitting within this state, until such sentence be executed, or until such convict shall be discharged by due course of law; the United States supporting such convict, and paying the expenses attendant upon the execution of such sentence.



[ACT OF CONGRESS, MAY 12, 1864, 13 U. S. STAT.  
AT LARGE, 74, §§ 1, 2 ; 2 BRIGHTLY'S DIG., 164,  
§§ 56, 57.]

## Chap. lxxxv.

*AN ACT concerning the Disposition of Convicts in the Courts of the United States, for the Subsisting of Persons confined in Jails charged with violating the Laws of the United States, and for diminishing the Expenses in Relation thereto.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Convicts in courts of the United States, how to be disposed of. That all persons who have been, or who may hereafter be, convicted of crime by any court of the United States — not military — the punishment whereof shall be imprisonment, in a district or territory where, at the time of such conviction, there may be no penitentiary or other prison suitable for the confinement of convicts of the United States, and available therefor, shall be confined during the term for which they have been or may be sentenced, in some suitable prison in a convenient state or territory to be designated by the secretary of the interior, and shall be transported and delivered to the warden or keeper of the prison by the marshal of the district or territory \*where such [75 conviction shall have occurred ; or if such conviction be had in the District of Columbia, then and in such case the transportation and delivery shall be by the warden of the jail of said district ; the reasonable actual expense of transportation, necessary subsistence and hire, and transportation of guards and the marshal, or the warden of the jail in the District of Columbia, only,

In the District of Columbia.

to be paid by the secretary of the interior, out of the judiciary fund : *Provided*, That if, in the opinion of the Proviso. secretary, the expense of transportation from any state, territory, or the District of Columbia, in which there is no penitentiary, will exceed the cost of maintaining them in jail in the state, territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their sentence.

SEC. 2. *And be it further enacted*, That it shall be the duty of the secretary of the interior to contract with the managers or proper authorities having the control of such prison or prisoners, for the imprisonment, subsistence, and proper employment of all such prisoners, and to give the court having jurisdiction of such offences, in said district, notice of the prison where such persons will be confined if convicted. Secretary of Interior to contract with state authorities for the subsistence, employment, &c., of such prisoners and to notify the court.

[LAWS 1864, p. 763.]

## Chap. 321.

*AN ACT to amend section second of chapter four hundred and fifteen of the laws of eighteen hundred and sixty-three.*

Passed April 23, 1864 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Allowance  
for good  
conduct.

Rate of al-  
lowance.

Applica-  
ble to con-  
victs for  
good con-  
duct in the  
past.

SECTION 1. Section two, of chapter four hundred and fifteen of the laws of eighteen hundred and sixty-three, is hereby amended as follows : An allowance for good conduct shall be made of one month on each of the first two years ; of two months on each succeeding year to the fifth year ; of three months on each following year to the tenth year ; and of four months on each remaining year of the time of their imprisonment. The inspectors of state prisons, and the respective boards or committees entrusted with the general management of the several penitentiaries in this state, by the warden, superintendent, or other officers having charge thereof, may make this section applicable to convicts now imprisoned in the several state prisons and penitentiaries, to the end that such convicts may receive the benefit of their good conduct in the past.

§ 2. All acts or parts of acts, inconsistent with this act, are hereby repealed.

§ 3. This act shall take effect immediately.

# FORMS.

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## AGREEMENT.

THIS AGREEMENT, Made between the Board of Supervisors of the County of.....party of the first part, and the Board of Supervisors of the County of Albany, by Amos Pilsbury, Superintendent of the Albany County Penitentiary, and duly appointed agent of the said Board of Supervisors of the County of Albany, as authorized by chapter 139, Laws of 1858, amended by chapter 289, Laws of 1859, and by other acts of the Legislature;

*Witnesseth*, Whereas, the party of the second part for and in consideration of the moneys hereinafter mentioned, does agree to receive and safely keep, board and clothe all such persons as shall be sentenced to confinement at hard labor by any court or magistrate in said county of.....for any term not less than sixty days, delivered into his custody by the Sheriff of the county of..... or by any other officer or Constable of said county of.....

To wit: for all persons sentenced for a period of sixty days and less than three months,.....per week; for all persons sentenced for a period of three months and less than six months,.....per week; and for all persons sentenced for a period of six months and over,.....per week.

The party of the first part, pursuant to the statute in such case made and provided, does hereby agree to cause to be conveyed to and delivered at the Peniten-

## AGREEMENT.

tiary in the City of Albany, all persons who may be sentenced to imprisonment at hard labor in the said county of,.....for any term not less than sixty days, for any crime or misdemeanor not punishable by imprisonment in the State Prison, and to pay the prices above stated per week, for the board of prisoners so sentenced and delivered to the keeper of said Albany County Penitentiary annually.

This agreement to take effect.....and continue for the term of.....years, and is entered into pursuant to a resolution of the parties of the first part, passed the.....day of.....187...

Given under our hands this.....day of.....187...  
The Board of Supervisors of the County of.....

By

....., *Chairman.*

....., *Clerk.*

The Board of Supervisors of the County of Albany,

By

.....,

*Superintendent of the  
Albany County Penitentiary, and duly appointed Agent  
of the Board of Supervisors of the County of Albany.*



*or practiced any mechanical art or trade, says that ..he.. is... years of age, was born in.....and that ..he.. hath..... learned or practiced..... ..mechanical art or trade.*

*And upon this, it is demanded of the said....., whether ..he.. hath or knoweth anything to say wherefore the said Court here ought not, upon the premises aforesaid, to proceed to judgment against ..h..., and why judgment should not be pronounced on and against ..h... who nothing further saith.<sup>1</sup>*

Whereupon, all and singular, the premises being seen, and by the said Court now here fully understood, on motion of.....Esq., District Attorney, it is considered, adjudged and determined by the said Court that the said ....., for the felony and burglary (or other offence), aforesaid be, and ..h... is by said court sentenced to be, imprisoned at hard labor in the Albany County Penitentiary, at the City of Albany, for the term of ..... years and ..... months, and, also, to pay a fine of .....dollars, and in default of the payment thereof, that he be confined at hard labor in the said Albany County Penitentiary, at the city of Albany, for the additional term of not exceeding<sup>2</sup>.....  
....., Clerk.

<sup>1</sup> If not a *felony*, the word in *italics* may be omitted.

<sup>2</sup> If no fine, omit the *Italics*.

**FORM OF RECORD OF CONVICTION BY SPECIAL SESSIONS,  
to be filed by the Magistrate in the County Clerk's  
office IMMEDIATELY after Committing the Prisoner.**

STATE OF NEW YORK, }  
..... County of ..... } ss:

I, the undersigned, one of the Justices of the Peace of the.....of....., in said county, do hereby certify that at a Court of Special Sessions, held at the said..... and county, before the undersigned, for the trial of....., charged on the oath of....., before the undersigned, with the offence of....., viz: with having on the.....day of....., 187..., at the.....of....., in the said county of ....., [describe offence fully] the said..... having been previously duly brought up on the charge of having committed said offence, before the undersigned, as such Justice, and witnesses having been sworn and examined in relation thereto, and the undersigned having decided that there was a reasonable cause to believe the said ..... was guilty thereof, and the said ..... having neglected to give bail for.....appearance to answer to the said complaint and charge at the next Criminal Court having jurisdiction of said offence, to be held in and for said county, within twenty-four hours after having been required by the undersigned to give such bail, and after commitment for want of such bail, the undersigned, now, on this day, and at the place aforesaid, holding such Court of Special Sessions, caused the said..... to be brought before said Court for trial; whereupon the said charge against the said.....



[being as stated in the Warrant,] was distinctly read to.....and.....was required to plead thereto; and.....did thereupon plead thereto not guilty; and no Jury being demanded by..... for the trial of said issue,<sup>1</sup> the said Court proceeded to hear the proofs and allegations, as well on the part of the prosecution as in behalf of the said..... publicly and in.....presence; and having duly deliberated thereupon, the said.....was duly convicted of the said offense, before said Court; and upon such conviction, the said Court did duly adjudge and determine that the said.....for the offense and misdemeanor aforesaid,<sup>2</sup> BE IMPRISONED, AT HARD LABOR, IN THE PENITENTIARY OF THE COUNTY OF ALBANY.....FOR THE TERM OF.....AND, ALSO, *pay a fine of ..... dollars, and that in default of such payment ..h... be confined, on account of the non-payment thereof, in the said Penitentiary of the County of Albany, at hard labor,..... for the (additional) term of not exceeding.....*

*In Witness Whereof*, I have hereunto set my hand, at the town of.....in said County, this..... day of.....187...

....., *Justice of the Peace.*

<sup>1</sup> It is not necessary that the accused should waive a right to trial by jury, or be informed of such right. 2 R. S., 712, § 8; 2 Edm. St., 737; 5 Wend., 253; 3 Park., 465; 2 Cow., 815. The case of the People vs. Mallon, 39 How., 454, was at Special Term, and does not refer to the statute nor the prior cases upon the point.

<sup>2</sup> Strike out such portions of the capitals or italics as to make the record conform to the sentence, in case the sentence is for imprisonment without a fine, or a fine without imprisonment. If a fine only be imposed, strike out the words in small capitals.

FORM OF MITTIMUS OR WARRANT OF COMMITMENT  
TO THE PENITENTIARY BY A COURT OF SPECIAL  
SESSIONS.

STATE OF NEW YORK, }  
..... County of ..... } ss.

To the Sheriff of the County of ....., to any  
Constable of said County, *and to the Members of the  
Police Force of the city of ....., and to any  
Member thereof*, and to the Superintendent of the  
Penitentiary of the County of Albany, *greeting*:

WHEREAS, at a court of special sessions of the peace,  
held this day at the ..... in the .....  
of ..... in the county aforesaid, before the un-  
dersigned, one of the justices of the peace, of said  
county, for the trial of ....., charged on the  
oath of ....., before the undersigned, with the  
alleged offense of (*assault and battery*), viz: with having,  
on the ..... day of ....., 187..., at the .....  
of ....., in said county, wilfully, maliciously,  
and unlawfully, [describe offense fully]; the said  
..... having been duly apprehended for said al-  
leged *misdemeanor* and brought before me, and having  
been duly tried by and before said court, and con-  
victed thereby of the said offense.<sup>1</sup> *And whereas*, upon  
such conviction, the said court did duly adjudge and  
determine that the said ..... should, for the  
offense aforesaid, be confined, at hard labor, in the  
Albany County Penitentiary, at the City of Albany,  
for the term of ....., *and also pay a fine of*

<sup>1</sup> It is sufficient to recite, that the defendant was duly convicted  
without reciting the facts showing jurisdiction, 4 Barb., 31; 3 Parker,  
330; 6 Cox's Crim. Cases, 187, 192; 6 N. Y. Rep., 50.

..... dollars, and in default of the payment thereof, that he be confined, at hard labor, in the said Albany<sup>1</sup> County Penitentiary for the additional term of not exceeding.....

These are, therefore, to command you, the said Sheriff, Constable, and Members of the said Police Force, and each member thereof, forthwith to convey and deliver the said ....., to the said Superintendent. And you, the said Superintendent, are hereby commanded to receive the said ..... into your custody, in the said Penitentiary, and ..h... there safely keep until the expiration of the said term for which ..he... was sentenced and the payment of such fine, not exceeding the additional term of ....., or ..h... be thence discharged in due course of law.<sup>1</sup>

Given, under my hand, at ....., the ..... day of ....., 187...

....., Justice of the Peace.

<sup>1</sup> If no fine, omit the words in *italics*.

FORM OF RESOLUTION BY THE BOARD OF SUPERVISORS  
OF ALBANY COUNTY.

By Mr. .... *Resolved* that, pursuant to the statutes in such case made and provided, the Superintendent and Principal Keeper of the Albany County Penitentiary for the time being be, and he hereby is, until this resolution shall be rescinded, duly authorized as the agent of and in behalf of the Board of Supervisors of the county of Albany to enter into an agreement with the Board of Supervisors of any County in this state, or with any person in their behalf by them appointed, to receive and keep in the said Albany County Penitentiary any person or persons who may be sentenced to confinement at hard labor by any court or magistrate in said county for any term not less than sixty days.

RESOLUTION BY THE BOARD OF SUPERVISORS OF  
ANOTHER COUNTY TO CONTRACT WITH THE BOARD  
OF SUPERVISORS OF ALBANY COUNTY.

By Mr.....

Resolved that this Board, the Board of Supervisors of the County of.....enter into an agreement, as authorized by law, with the Board of Supervisors of the County of Albany, or with any person in their behalf by them appointed, to receive and keep in the Albany County Penitentiary any person or persons who may be sentenced to confinement at hard labor by any court or magistrate in this County for any term not less than sixty days; that said contract continue for the term of five years, and provide for paying, for all persons sentenced for a period of sixty days and less than three months, the sum of not exceeding..... per week; for all persons sentenced for a period of three months and less than six months the sum of not exceeding.....per week; and for all persons sentenced for a period of six months and over the sum of not exceeding.....per week, payable annually; that the Chairman and Clerk of this Board execute such agreement and affix its seal on behalf thereof.

RETURN, BY SUPERINTENDENT, TO HABEAS CORPUS  
PRISONER, SENT FROM ANOTHER COUNTY.

ALBANY COUNTY, ss :

I, Amos Pilsbury, do hereby return to the annexed Writ of Habeas Corpus, that I am and for many years last past have been the Superintendent and principal keeper of the Albany County Penitentiary, buildings erected and situate in the County of Albany, pursuant to an act entitled "An act for the construction of a Penitentiary and in relation to the relief of the poor in the County of Albany," passed April 13, 1844, and the several acts amending the same and amendatory thereof;

That I was prior to the ..... day of....., 187..., duly appointed such Superintendent and principal keeper by the Board of Supervisors of the County of Albany, and the Mayor and Recorder of the City of Albany, and have been since the ..... day of ..... .. 187..., and now am such Superintendent and principal keeper.

I do further certify and return that prior to the..... day of ..... 187..., the Board of Supervisors of the County of ..... entered into an agreement with the Board of Supervisors of the County of Albany, and with a person in their behalf, by them appointed, to receive and keep in the said Albany County Penitentiary any person or persons who might be sentenced to confinement, at hard labor, by any court or magistrate in the said county of..... for any crime or misdemeanor not punishable by imprisonment in the State Prison, for any term not less than sixty days;

That by the terms and provisions of the said agreement the same was to continue and to remain in force for the period and term of ....., from the date thereof;

That prior to the ..... day of ....., 187..., said Board of Supervisors of said County of ....., gave public notice of such agreement, specifying in such notice the period for the continuance of such agreement, which said notice was published in such newspapers printed in said County of ....., not less than two and for such period of time, not less than four weeks, as the Board of Supervisors of said County of ..... did direct;

That I hold and detain.....; the person named in the annexed Writ of Habeas Corpus in my custody as such Superintendent and principal keeper of said Albany County Penitentiary, by virtue of a Warrant or Mittimus issued and signed by....., a Justice of the Peace of the County of ..... which I herewith produce, and a copy whereof is hereto annexed;

I deny each and every allegation and statement in the petition for said Writ of Habeas Corpus, except as herein above stated;

That said ..... was brought to and first confined in said Albany County Penitentiary, under and pursuant to such Warrant or Mittimus, on the ..... day of ..... 187....

Dated Albany, ..... 187....

.....,  
*Superintendent and Principal Keeper of the*  
*Albany County Penitentiary.*

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" " " " " Rensselaer Co., 9.  
" " " " " Saratoga Co., 9.  
" " " " " Schenectady Co., 9.  
" " " " " Schoharie Co., 9.  
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 See titles of various counties.

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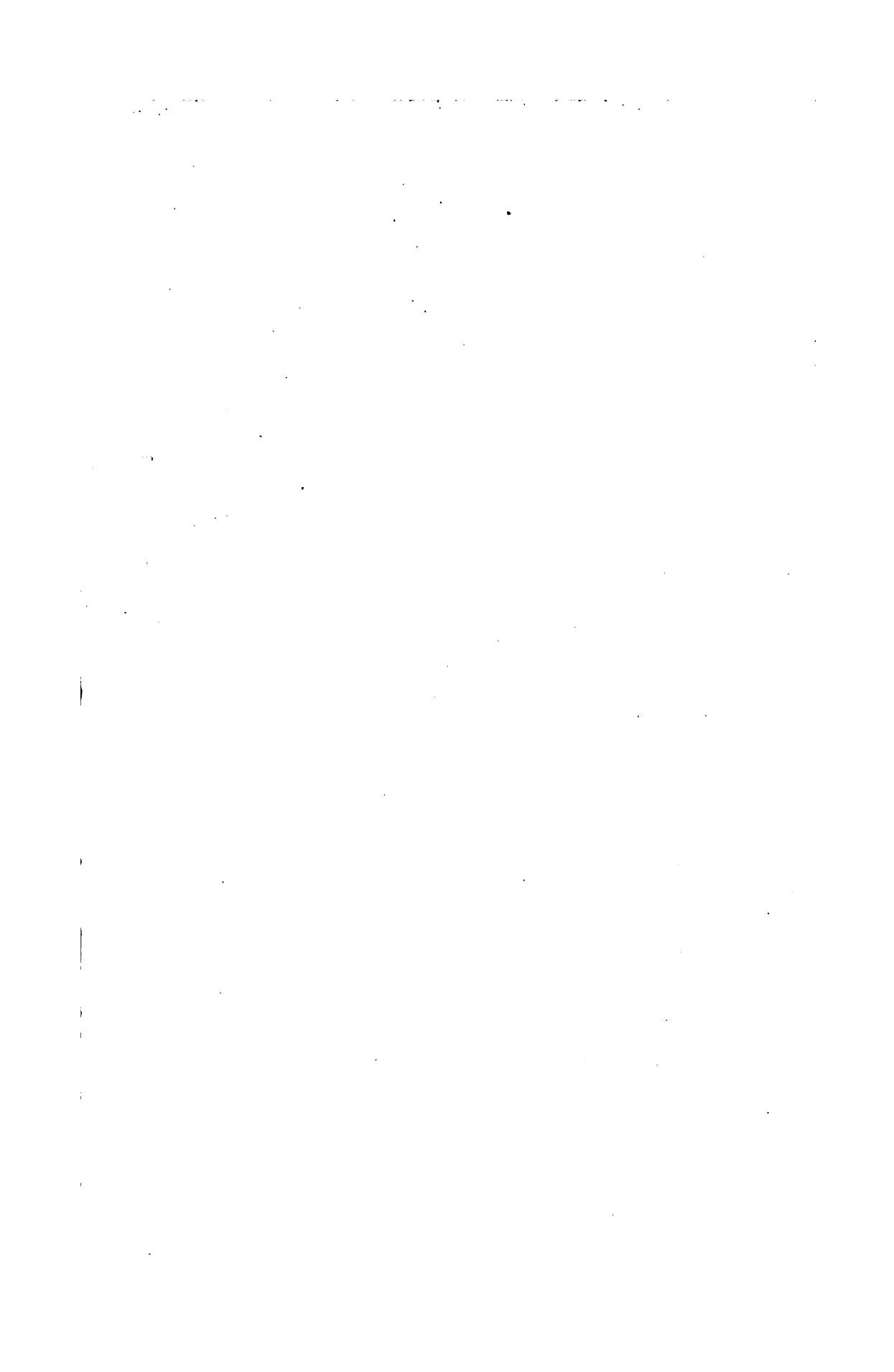
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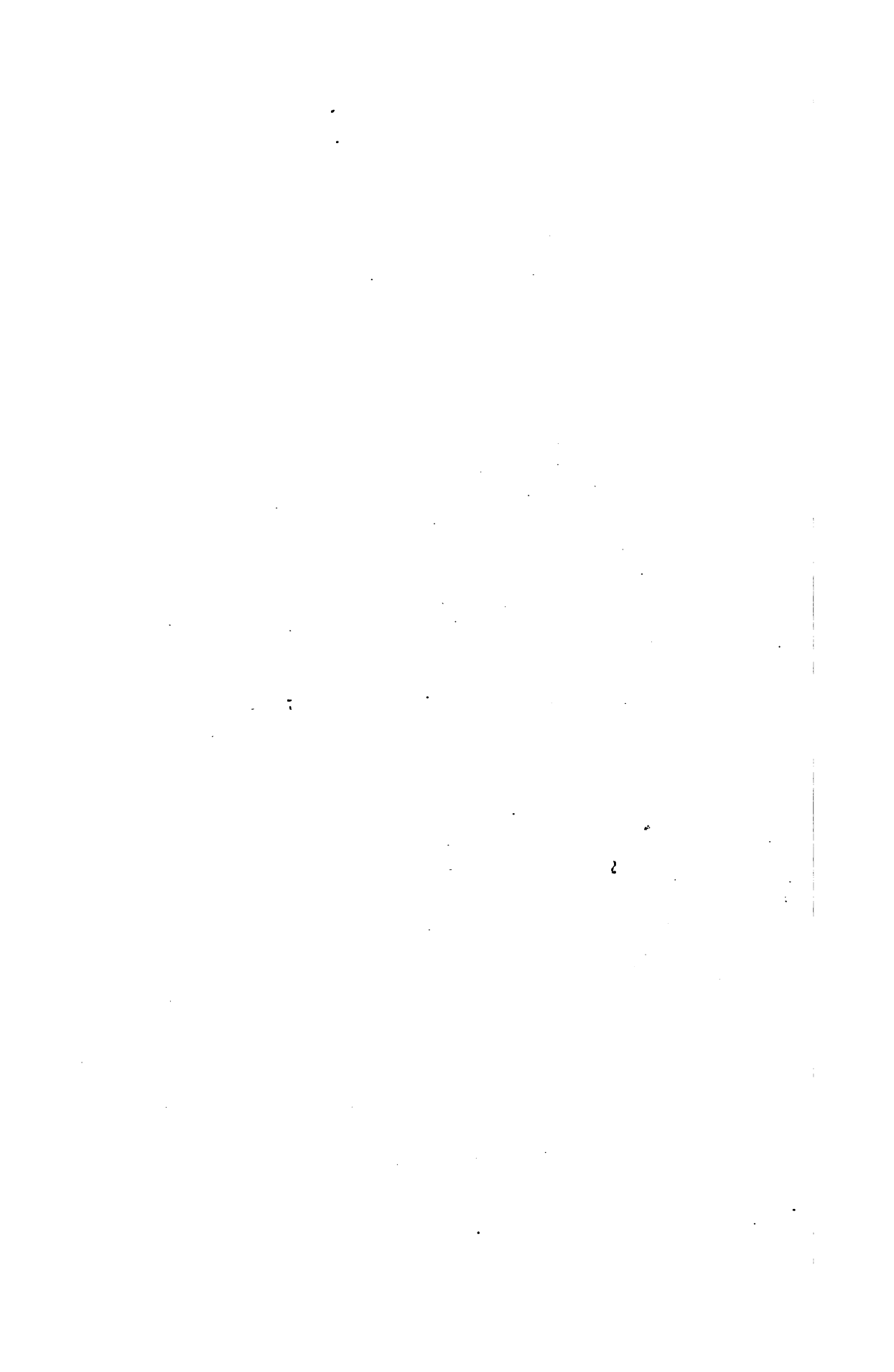
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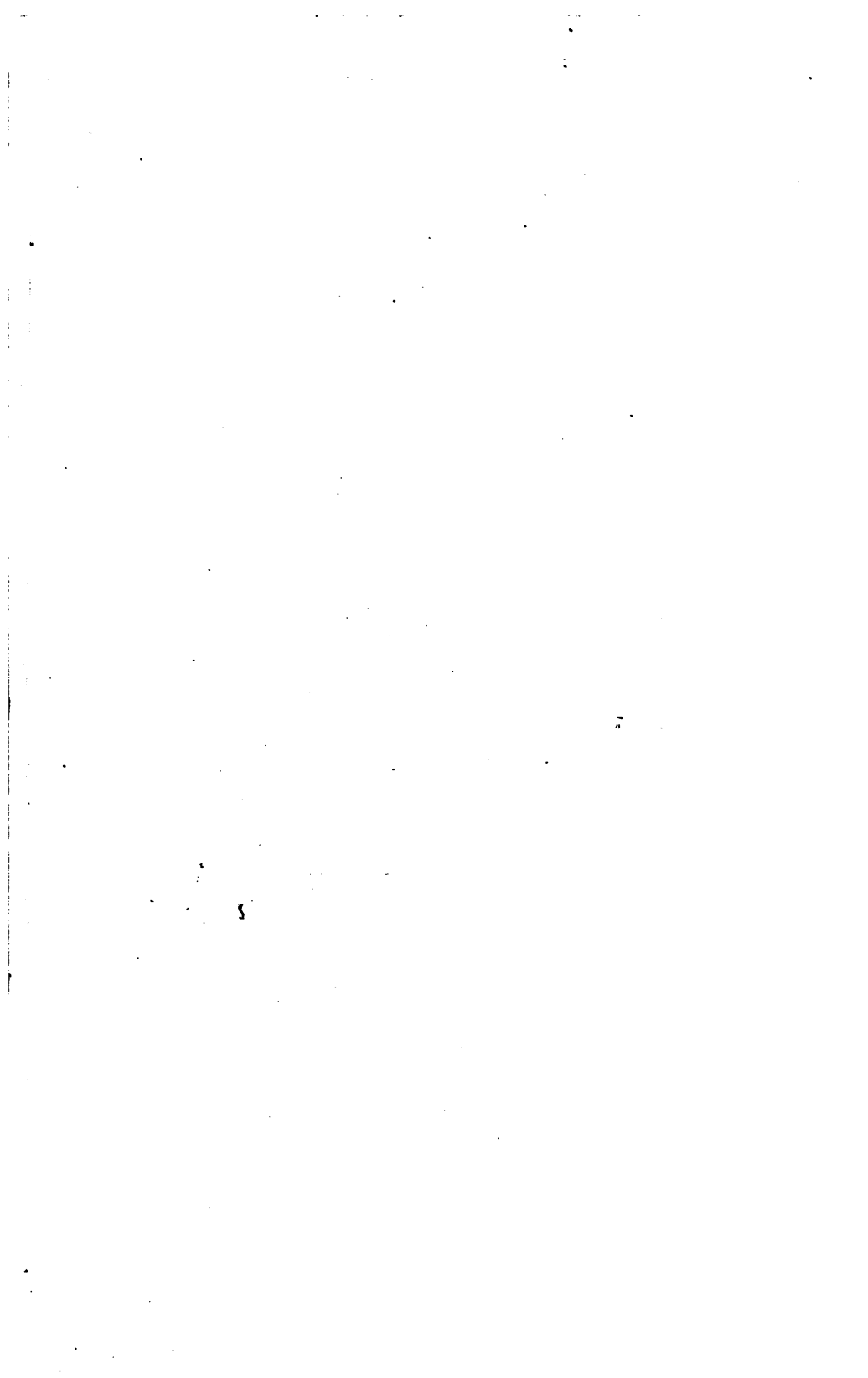
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